

**Introduced by Senator Bates**  
(Coauthor: Assembly Member Wagner)

February 27, 2015

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An act to add Section 645.5 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 722, as introduced, Bates. Sex offenders: GPS monitoring: removal.

Existing law, as amended by Proposition 83 of the November 7, 2006, statewide general election, requires every inmate who has been convicted of an offense that requires him or her to register as a sex offender or any attempt to commit any of those offenses and who is committed to prison and released on parole to be monitored by a global positioning system for life.

This bill would make it a felony for a person to willfully remove or disable an electronic, global positioning system, or other monitoring device, if the device was affixed as part of a criminal sentence or juvenile court disposition for certain specified sex offenses, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 645.5 is added to the Penal Code, to read:

2     645.5. (a) A person who willfully removes or disables an  
3     electronic, global positioning system, or other monitoring device  
4     affixed to his or her person or the person of another, if the device  
5     was affixed as a result of a criminal sentence or juvenile court  
6     disposition for any offense specified in subdivision (c) of Section  
7     667.61, is guilty of a felony, punishable by imprisonment in the  
8     state prison for 16 months, or two or three years.

9     (b) This section does not apply to the removal or disabling of  
10    a monitoring device by a physician, emergency medical services  
11    technician, or by any other emergency response or medical  
12    personnel when doing so is necessary during the course of medical  
13    treatment of the person subject to the device. This section does  
14    not apply if the removal or disabling of the device is authorized  
15    or required by a court, by law enforcement, or by any other entity  
16    that is responsible for placing the device upon the person or that  
17    has the authority and responsibility to monitor the device.

18    SEC. 2. No reimbursement is required by this act pursuant to  
19    Section 6 of Article XIII B of the California Constitution because  
20    the only costs that may be incurred by a local agency or school  
21    district will be incurred because this act creates a new crime or  
22    infraction, eliminates a crime or infraction, or changes the penalty  
23    for a crime or infraction, within the meaning of Section 17556 of  
24    the Government Code, or changes the definition of a crime within  
25    the meaning of Section 6 of Article XIII B of the California  
26    Constitution.